

What can be appealed? Can supportive services be appealed?

Right to Appeal: Every applicant for or recipient of assistance or services provided through the Nebraska Department of Health and Human Services has the right to appeal any action, inaction, or failure to act with reasonable promptness with regard to the assistance or services. The individual may appeal because:

- 1 . His/her application for financial or medical assistance or services is denied;
- 2 . His/her application for financial or medical assistance or services is not acted upon with reasonable promptness;
- 3 . His/her assistance is suspended;
- 4 . His/her assistance or services are reduced;
- 5 . His/her assistance or services are terminated;
- 6 . His/her form of payment of services is changed to be more restrictive;
- 7 . S/he thinks the staff's action was erroneous.
- 8 . The determination by the Department that the client has not complied with EF requirements or with terms of the Self-Sufficiency Contract; or
- 9 . The client's contention that the Department has not complied with the terms of the Self-Sufficiency Contract

So essentially, yes, a client can appeal the denial of support services if the client feels it was in error.

You would process the DA-6 as you would for any request for a fair hearing, but you would not honor the request for this new supportive service. It is incumbent upon the hearing officer to determine whether or not it is an appealable issue.

Policy states that you cannot reduce or terminate supportive services pending the mediation or appeal, if the client requests mediation or an appeal within ten days, but it does not say that we have to provide a new supportive service not previously agreed upon or provided pending the appeal decision, 468 NAC 2-020.09C and 1-009.03F.

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